

**From:** Tom Goynes <[tomgoynes@mac.com](mailto:tomgoynes@mac.com)>  
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**Subject:** Jacks letter

#### COMMENTS ON THE CAPE'S DAM ISSUE

I would like to caution you about taking a position on the dam removal issue at this time. The current position apparently gives primary weight to the various studies by Dr. Hardy. These studies show a result that there is less than 5% difference in the effect on Texas wild rice and fountain darter available habitat for all study variables. This is hardly a result that favors any conclusion about the dam removal question.

There are no uncertainty analyses in any of Dr. Hardy's reports. My experience observing biological scientists in the field suggests that experimental biological data is seldom if ever near 95% accurate. Although computations by digital computers are highly precise, the accuracy of the results are a function of the accuracy of the input data ("garbage in, garbage out" is a common comment) and the validity of the software program utilized.

In addition, the result for the effects on recreation is also highly questionable. In view of the insignificant effect the dam has on endangered species habitat according to Dr. Hardy's reports, the effect on recreational use clearly becomes the most important effect.

The most experienced and qualified persons on recreational use of the river are Tom Goynes, Duane TeGrotenhuis, and Ben Kvanli, none of whom have been contacted. All three believe that maintaining the mill race is absolutely necessary for the safety of river recreationalists to avoid the hazards to the general public of having to use the river right path down the river.

The SMRF has historically insisted on maintaining public access to the river. If removing the dam would also remove the mill race option, access to the river right channel of the river would be prohibitively hazardous to the general public who are not highly skilled boaters. This would effectively cut off safe access to the river in this area. A very long portage until passing Thompson's Island to proceed downstream would be required.

The TP&WD Land and Gravel Permit was probably modified from 1080 cu. yds. per month to 990 cu. yds. per month so the City could avoid some possible mitigation work and administrative reporting requirements, a highly questionable move.

The dam and mill race, originally built in 1866, is clearly an historical structure and has been eligible for listing in the National Register of Historic Places since 1985. Insufficient attention has been directed to satisfying the requirements of the Texas Historical Commission.

An Environmental Impact Statement is clearly called for before any political decision is made affecting the dam. I have reviewed material collected by the "Save the SMTX River" group and feel that many of their comments are pertinent and should be considered.

There is criticism of the opposition to the removal of the dam as being non-scientific. I have an earned Ph.D. in Engineering- Science, am a charter member of the SMRF and have served as President for 9 years, have been on the Board of the Texas River Protection Association for several years and have an entire career of experience in debugging and writing computer programs and evaluating research.

I believe I qualify to evaluate the material in this issue.

Dr. Jack Fairchild, Ph.D., P.E.